

**AMENDMENT AND RESPONSE UNDER
37 C.F.R. § 1.116 EXPEDITED EXAMINATION PROCEDURE**

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Serial No.: 10/624,165

Filing Date: 7/21/2003

Title: PERIODIC EVENT EXECUTION CONTROL MECHANISM

Attorney Docket No. 100.554US01

REMARKS

The Final Office Action mailed on October 30, 2007 has been reviewed. Claims 1-23 are pending in this application. Applicant hereby respectfully requests entry of the amendment to claim 5 set forth above.

Objection to Claim 5

Claim 5 was objected to as improperly depending from itself. Applicant hereby respectfully requests entry of the amendment to claim 5 set forth above in order to address this objection.

Rejections Under 35 U.S.C. § 102

Claims 1-8 were rejected under 35 USC § 102(e) as being anticipated by Vargas et al. (U.S. Patent No. 6,918,115).

Applicant respectfully requests reconsideration of this rejection.

Claim 1 of the present application recites, in part, “determining when one of the plurality of periodic events occurs; and distributing the execution of the services associated with that periodic event throughout a next periodic interval of time associated with that periodic event following the occurrence of that periodic event”.

It is respectfully submitted that Vargas fails to teach the underlined language set forth above. The Final Office Action took the position that Vargas teaches this feature at column 9, lines 5-10. Final Office Action, page 3. The cited portion of Vargas (and surrounding context) states the following:

At the scheduled time, in step 312, the scheduler executes the predefined periodic process(es), action(s), or event(s) for the current entry. In the example, the first action identifier is for Process A, and the scheduler may execute whatever periodic event is to occur for Process A. If the current entry contained more than one action identifier, then it may execute more than one corresponding periodic event. Predefined periodic processes, actions, and events may be any predefined activity, including sending a

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synchronization signal, executing a corrective process, waking another process, etc.

Vargas, column 9, lines 5-15. This portion of Vargas is completely silent as to “distributing the execution of the services associated with that periodic event *throughout* a next periodic interval of time associated with that periodic event following the occurrence of that periodic event” as recited in claim 1 of the present application.

Vargas clearly indicates that the execution of such services be consolidated together at the beginning of each period. Indeed, to some extent Vargas teaches away from this claimed feature of claim 1 in that Vargas clearly indicates that, to the extent that there are scheduled processes having different periods, the scheduler should attempt to schedule those processes to be executed together at the beginning of the period in order to bunch up (“synchronize” or “consolidate”) the execution of processes so as to increase the amount of time in which no such processes are executed, which enables the hardware to enter a power-saving mode for a longer period of time. See, e.g., Vargas, column FIGS. 5A-5B, column 18, lines 39-57. This is clearly different from “distributing the execution of the services associated with that periodic event *throughout* a next periodic interval of time associated with that periodic event following the occurrence of that periodic event” as recited in claim 1 of the present application.

Claims 2-8 all depend from claim 1 and therefore at least those arguments set forth above with respect to claim 1 apply these claims as well.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 9-23 were rejected under 35 USC § 103(a) as being unpatentable over Vargas et al. (U.S. Patent No. ‘115) in view of Applicant Admitted As Prior Art (AAPA) (specification, pgs. 1-2).

Since the Office Action used similar reasoning to reject independent claim 9 as it did to reject claim 1, Applicant respectfully submits that at least the arguments set forth above with respect to claim 1 apply to claim 9 as well.

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Claims 10-16 all depend from claim 9 and therefore at least those arguments set forth above with respect to claim 9 apply these claims as well.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Since the Office Action used similar reasoning to reject independent claim 17 as it did to reject claim 1, Applicant respectfully submits that at least the arguments set forth above with respect to claim 1 apply to claim 17 as well.

Claims 18-23 all depend from claim 17 and therefore at least those arguments set forth above with respect to claim 17 apply these claims as well.

Accordingly, it is respectfully requested that this rejection be withdrawn.

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CONCLUSION

Applicant respectfully submits that claims 1-23 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date:2007-12-28

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